

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention passed by the Collector & District Magistrate,YSR District, against Sri Gona Venkatadri Naidu, S/o. Subba Naidu, aged 59 years, R/o. Plot No.7, Srinivasa Nagar, Tiruvallur District, Tamilnadu State – Representation – Rejected.

GENERAL ADMINISTRATION (LAW AND ORDER.II) DEPARTMENT

G.O.Rt.No. 5309

Dated:17.11.2012
Read the following:-

- 1.Order of detention in Ref.C1/635/M/2012, .08-08-2012 of the Collector & District Magistrate, YSR District, Kadapa
- 2.G.O.Rt.No.3798,G.A. (L&O-II) Dept., dt.17-08-2012.
- 3.G.O.Rt.No.4391,G.A. (L&O-II) Dept.,dt.21-09-2012.
- 4.Representation of Smt. V. Rani, wife of the Deenu, Sri Gona Venkatadri Naidu Dated:31-08-2012.

ORDER:

In the reference first read above, the Collector & District Magistrate, YSR District, Kadapa has passed detention order against Sri Gona Venkatadri Naidu, S/o. Subba Naidu, aged 59 years, R/o. Plot No.7, Srinivasa Nagar, Tiruvallur District, Tamilnadu State, under Act No.1 of 1986, as he had been repeatedly indulged in illicit cutting, storing, transportation of Red Sanders heartwood from the reserve forest and transporting / smuggling the same, thereby causing damage to the public property and great loss to the Nation. In the G.Os. second and third read above, Government have approved and confirmed the said order of detention, passed by the detaining authority, duly following the provisions laid down under Act 1 of 1986.

2. In the reference 4th read above, Smt. V. Rani, wife of the detenu has made a representation to the Government, contending inter-alia that the detention do not specifically mention that the detenu was indulging in dangerous activities and that the detention order was passed on non-existing grounds; that theft of red sander would not affect the public order and that at the most, the alleged offence may come under the penal statues of Forest Act; that there is no proximity between the incidents; that the fact of arrest and release of the detenu in all crimes were not placed before the detaining authority; that several persons were shown as accused along with the detenu; but he alone was maliciously recommended for detention; the detention order was passed without application of mind in a mechanical manner; that the detenu was never arrested at the spot in any other cases except OR No.65/2012-13 and that the activities of felling and transporting red sanders from the forest will not fall within the meaning of "Goonda" as defined in the Act; that except in one case in no other cases, the detenu got bail and that his release from judicial custody does not arise. As such there is no likelihood of committing similar offences by him; that the forest officials falsely implicated her husband and therefore requested for his release.

3. The representation has been examined, and it is observed that the detaining authority i.e. the District Collector, Kadapa has passed the detention order against the detenu, duly considering the involvement of the detenu in the incidents referred to in the grounds of detention; that the applicant has not disputed the number of cases and the nature of offences involved by the detenu. In all the cases mentioned in the grounds of detention, cases were booked against the detenu under various provisions of Forest Act, 1967 and the Rules made thereunder, besides under section 379 of I.P.C., and the said offences are punishable under Chapter XVII of IPC, hence his activities fall under and with in the meaning of "Goonda" as defined under section 2(g) of Act 1 of 1986; the other

Contd...:2:

contention that the alleged offences may come under the penal statute of the Forest Law and it cannot be said the same would affect the public order is not correct, since in catena of decisions, the Hon'ble Courts held that ` any acts or attempt to illegal cutting of red sander trees and smuggling the timber, would certainly have its impact on the public order; With regard to the contention that there is no proximity between the incidents, the Hon'ble Courts held that " when the last incident that had taken place, which was the basis for initiating action against the persons like the detenu, if found proximate to the date of passing of the order of detention, the other incidents, though appear to be remote, can be tagged to the latest incident, which is proximate, and can be made the basis for passing the detention order. The District Collector, Kadapa has reported that out of 5 crimes registered against the detenu, in one crime he was arrested and released on bail and in one case, he was still in custody and in other crimes he was absconding. The detenu was in judicial custody in connection with OR No.65/2012, dt. 4-8-2012 of Kadapa range and he was lodged at Central Prison, Kadapa and detention order was passed on 8-8-2012. Hence, it cannot be said that the detenu has not made bail applications in the criminal cases filed against him and, therefore, there is no likelihood of his release on bail and that the detention order passed by the detaining authority is vitiated. There are no merits in the contention of the applicant. Therefore, the grounds raised by the applicant are devoid of merits, deserve no consideration and the representation is liable for rejection.

4. Accordingly, Government hereby reject the representation of Smt. V. Rani, wife of the detenu, Sri Gona Venkatadri Naidu, for review of the detention order passed against her husband.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**MINNIE MATHEW
CHIEF SECRETARY TO GOVERNMENT**

To
Smt. V. Rani, W/o. Gone Venkatadri Naidu, R/o. Plot No.7, Srinivasa Nagar,
Thiruvallur District, Tamil Nadu State.

Copy to-

The Superintendent, Central Prison, Cherlapalli, Ranga Reddy District

(with instructions to serve the order on the detenu immediately under proper acknowledgement and arrange to read over and explain the contents therein to the detenu in the language known to him and report compliance to Government).

The Collector and District Magistrate, YSR District, Kadapa.

The Superintendent of Police, Kadapa, YSR District.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER(SC)